



# THE ATTORNEY GENERAL OF TEXAS

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September 17, 1969

Col. Wilson E. Speir  
Director

Texas Department of Public Safety  
5805 North Lamar Blvd.  
Austin, Texas 78723

Opinion No. M- 474

RE: House Bill 84, Acts  
61st. Leg., R.S.  
1969, ch. 793, p.  
2342, concerning  
right-of-way

Dear Col. Speir:

You have requested the opinion of this office as to whether the amendment of Article 670ld, Section 71, Vernon's Civil Statutes, requires the driver of a vehicle approaching the intersection of a different street or roadway to stop at a yield right-of-way sign or to yield at a yield right-of-way sign.

The portion of the amendment relating directly to yield right-of-way signs is as follows:

"Sec. 71. (a) The driver of a vehicle approaching the intersection of a different street or roadway shall stop, yield and grant the privilege of immediate use of such intersection in obedience to any stop sign, yield right-of-way sign or traffic control device erected by public authority, and after so stopping, may only proceed thereafter when such driver may safely enter the intersection without interference or collision with traffic using such different street or roadway."  
(Emphasis added).

Sections (b), (c), and (d) provide that a driver approaching various types of intersections not controlled by traffic signs or signals shall ". . . stop, yield and grant the privilege of immediate use. . ." of the intersection to vehicles within the intersection or approaching in such proximity as to constitute a hazard and shall proceed only when safe to do so.

Section (e) of the amendment reads as follows:

"(e) A driver obligated to stop and yield the right-of-way in accord with Sections (a), (b), (c) and (d) of Section 71, who is involved in a collision or interference with other traffic at such intersection is presumed not to have

yielded the right-of-way as required by this Act."  
(Emphasis added).

The amendment repeals Article 670ld, Section 73, Vernon's Civil Statutes, and Article 827e-1, Section 2 and Section 3, Vernon's Penal Code, which provide rules governing right-of-way at intersections.

The caption of House Bill 84 states that the purpose of the amendment is as follows:

" . . .to provide for the establishment of vehicular right-of-way at all intersections, requiring certain drivers to stop, yield and grant the right of immediate use of intersections and requiring such drivers not to enter such intersection until they may do so with safety; to provide for a presumption of failure to yield right-of-way in relation to intersection collisions. . . ."

It is necessary to harmonize, if possible, Article 827e-1, Section 1, Vernon's Penal Code, which authorizes the use of yield right-of-way signs. In view thereof, the amendment, if narrowly construed, would place a strained and false meaning on the plain and ordinary word yield, as heretofore commonly understood. The courts, under the circumstances, must give a reasonable construction to the statute and avoid a harsh and absurd construction that would result from a literal interpretation. We think the Legislature merely consolidated the rules governing traffic at intersections and did not intend to repeal Article 827e-1, Section 1.

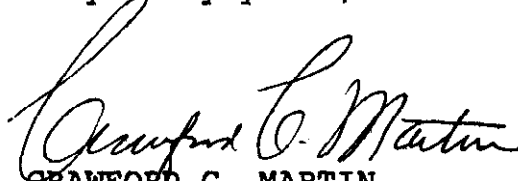
The amendment contains the provision that drivers approaching an intersection controlled by traffic signs or signals shall stop, yield and grant immediate use of the intersection " . . .in obedience to any stop sign, yield right-of-way sign or traffic control device. . . ." A driver acting in obedience to a yield right-of-way sign must yield to those vehicles within the intersection or in such proximity thereto as to constitute a hazard and may, depending upon the circumstances, have to stop in order to avoid collision or interference with other vehicles. A driver approaching an intersection controlled by a yield right-of-way sign will not have to yield or stop whenever the intersection may be entered safely without danger of collision or interference with other vehicles.

#### SUMMARY

The Legislature has retained the yield right-of-way sign for traffic control. A driver ap-

proaching an intersection controlled by a yield right-of-way sign must yield the right-of-way to vehicles within the intersection or in such proximity thereto as to constitute a hazard and must stop if circumstances require but need not stop when the intersection can be safely entered.

Very truly yours,

  
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